

6.0 Tangata Whenua and Heritage

6.1 Tangata Whenua

The Act requires that the Council recognises and provides for the relationship of Maori with their ancestral lands, water, sites, waahi tapu and other taonga [section 6(c)]. It further requires the Council to have particular regard to kaitiakitanga [section 7(a)], and to take into account the principles of the Treaty of Waitangi (section 8). Further, the Marlborough Regional Policy Statement includes principle 3.2.1(b) to “Incorporate, where appropriate, the aspirations, heritage and values of the iwi of Marlborough into resource management decision making”.

Kaitiakitanga is the traditional practice of managing resources so as to conserve and protect them. As a concept, it is based on spiritual, social and economic associations with these resources, and includes tribal rights to the use of an area. The management practices embodied in the application of Kaitiakitanga are very much in keeping with the philosophy driving the Act. In particular, Kaitiakitanga provides for the restoration of ecological harmony, the efficient use of resources and provision for the needs of both present and future generations.

Tangata whenua are kaitiaki (or guardians) of their coastal resources. As such they have assumed the responsibility to ensure that the mauri (or life essence) of these resources is protected. The mauri of a resource embodies a spiritual as well as a physical essence. From the Maori perspective damage to resources also carries spiritual damage.

It is possible to damage resources (eg; through pollution or despoliation) to the extent that they can lose their mauri entirely. Protecting the mauri ensures the maintenance of its integrity and protection of supply for future generations.

The concept of mauri therefore imposes a discipline on tangata whenua as kaitiaki, and because of their spiritual, social and economic connection to the resource, it is kaitiaki who have the responsibility for ensuring that the mauri of the resource is protected. In this sense, the Marlborough Sounds Resource Management Plan must recognise the role of tangata whenua as kaitiaki for the coastal environment. To this end the Plan endeavours to facilitate that role through a process of consultation. This chapter is designed therefore to provide some key overall objectives and some ‘management’ type policies, perhaps not adequately covered by other objectives, policies or methods.

6.1.1 Issue

Potential omission of Maori values and exclusion of Iwi in the use, development and protection of all resources, including traditional resources.

The dominant issues raised by iwi are:

- Exclusion from the decision making process;
- Proliferation, abuse and over use of resources; and

- Recognition of the Maori holistic systems of values within resource management decision making. These values being:
 - Te Taha o Te Ao (environment);
 - Te Taha Hinengaro (way of life);
 - Te Taha Wairua (spiritual and customary values); and
 - Te Taha Tinana (healthy body).
- Exclusion from the use, development and protection of traditional resources;
- Degradation of water quality as a result of pollution;
- Damage and destruction of waahi tapu and areas of special interest;
- Introduction of species into existing ecosystems;
- Pollution of all resources; and
- Uncontrolled waste disposal.

In general, iwi issues relate alongside resource management issues. A number of them are addressed directly within the relevant sections of the Plan. For example, iwi concerns relating to the degradation of water quality have been incorporated into Chapter 3 (Freshwater) and section 9.3.1 (coastal water quality). Other issues of importance to iwi are addressed below.

6.1.2 Objectives and Policies

Objective 1	Recognition and provision for the relationship of Marlborough’s Maori to their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga.
Policy 1.1	Recognise and protect sites of significance to tangata whenua, including waahi tapu, taiapure, maataitai, tauranga waka and areas of taonga raranga.
Policy 1.2	Recognise values important to tangata whenua, including the concepts of mauri, effects on the mana of iwi or hapu, and the ability of tangata whenua to provide manaakitanga.
Policy 1.3	Recognise the role of tangata whenua as kaitiaki in the coastal marine area.
Policy 1.4	Recognise and provide for continued tangata whenua access to, and use, of traditional coastal resources such as maataitai, taiapure and taonga raranga.
Policy 1.5	Maintain and facilitate communication with iwi representatives which ensures that where appropriate, issues of importance to iwi are drawn to the Council’s attention.

Individual areas have special significance for each iwi. For example, Tory Channel has significant values for Te Atiawa.

Notwithstanding the requirements of the Act, the Council is committed to sustainable management of the resources of the Sounds and wherever practicable to a partnership with Maori on all matters of common interest.

The above policies are a way in which the Marlborough Sounds Resource Management Plan can assist in recognising and providing for matters of concern to the tangata whenua. The Plan also endeavours to carry these and other principles forward to the construction of other elements of the Plan.

6.1.3 Methods of Implementation

Management	<p>Where a resource consent application is in or immediately adjacent to a site of significance to tangata whenua, the applicant will be required to notify and consult directly with the affected tangata whenua to determine -</p> <ul style="list-style-type: none"> • whether the granting of the resource consent would have any adverse effects on the values that give the site significance to the tangata whenua; and • how any actual or potential adverse effects which might result from the activity could, in the view of the tangata whenua, be avoided, remedied or mitigated. <p>Where a site of significance to tangata whenua is also an archaeological site the applicant will also be required to contact the NZ Historic Places Trust, in accordance with the Historic Places Act 1993, in order to enable the implementation of the archaeological authority provisions of that Act.</p>
Resource Consents	<p>Resource consents will not be granted for proposals which will unduly restrict the access of Tangata Whenua to sites of cultural significance on land of the Crown, unless that access can specifically be provided for, or the loss can be adequately remedied.</p> <p>For all resource consent applications which involve the permanent allocation of lands of the Crown or extraction of sand, shingle or other natural material from lands of the Crown, if there is any Treaty of Waitangi claim to the resource in question, appropriate conditions will be placed on any consent granted in order to ensure that the Crown's Treaty obligations with respect to that resource are not compromised.</p>
Prohibited Activity	<p>The Plan prohibits marine farming from some parts of the coastal marine area. In addition to other reasons (refer section 9.2.1, Policy 1.1), this will facilitate Tangata Whenua access to traditional coastal resources.</p>
Specific Identification	<p>Specific recognition will be accorded to the two known marae within the Sounds area (Waikawa and Te Hora).</p>

Sites of significance to Maori include waahi tapu, tauranga waka, mahinga maataitai and areas of taonga raranga. The Council will hold sufficient information to indicate that an area is important, and consultation would have to be undertaken directly with iwi for details.

Resource Consent applications could potentially affect the values of sites which are of significance to tangata whenua, (for example an activity which disturbs the seabed could affect the fisheries values of mahinga maataitai). The applicant will need to show whether any actual or potential adverse effects can be avoided, remedied or mitigated (in that order of preference). This could be achieved through changes in design of the proposal, negotiation with tangata whenua over appropriate compensation, or conditions on the resource consent. The tangata whenua group affected may be an iwi authority, but is more likely to be a smaller group such as a land-owning trust, a hapu, or a whanau.

The marae are active living centres of the Maori community with potential for development and change.

The range of activities undertaken on marae is expected to be wider than, for example, residential sites. It is considered that zonings (Residential or Rural) may unduly hinder the functioning and development of marae. It is considered to be necessary and appropriate to provide for special 'marae' identification with sufficient flexibility to enable marae to function and develop whilst protecting important amenities of surrounding environments.

6.2 Heritage

The Marlborough Sounds are rich in both Maori and European history. The early inhabitants of New Zealand were a sea-faring people. When canoe provided the major means of transportation practically all habitation was located along the coast. Throughout New Zealand the majority of archaeological sites are concentrated in coastal areas reflecting the fishing, hunting, gathering and horticultural opportunities that these areas offered.

Buildings with heritage significance are located in Robin Hood Bay, Rai Valley and Havelock and Picton townships.

The Marlborough Sounds has a number of historic and notable trees the majority of which are located in or around the townships. These trees are an important contribution to both the heritage and the visual character of the Sounds.

Heritage resources contribute to environmental quality, and consequently the community's wellbeing, in many ways. The ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value describes places of cultural heritage value.

"In general such places:

- i) Have lasting values and can be appreciated in their own right;*
- ii) Teach us about the past and the culture of those who came before us;*
- iii) Provide the context for community identity whereby people relate to the land and to those who have gone before;*
- iv) Provide variety and contrast in the modern world and a measure against which we can compare the achievements of today; and*
- v) Provide visible evidence of the continuity between past, present and future."*

In addition, the heritage resources of the Marlborough Sounds are becoming increasingly important as tourism grows, bringing with it the advantage of commercial support for enhancement of the historical environment.

The Historic Places Act 1993 gives the New Zealand Historic Places Trust the authority to register (and protect) heritage resources. Their activities, however, are limited to protecting those places which are significant on a national basis.

Many of the items or places which contribute to the heritage of the Plan area are of local importance rather than national significance. It is often these resources which face the greatest threat from modification or destruction. This is largely due to the difficulties associated with identifying the particular resources which contribute to the heritage and character of the Sounds. But also, difficulties arise with determining the most appropriate means of protection, for example regulatory or incentive approaches.

Information on the nature and location of archaeological sites in the Plan area is limited. While a large number of sites have been recorded in the Plan area, the coverage is by no means complete.

This is obviously an ongoing process. The Council and the community need to be able to assess heritage resources, indicate their importance and afford them different levels of protection. Heritage resources need to be reassessed from time to time so that as time passes new items can be protected and older or scarcer items can be given more protection.

Heritage resources are often fragile and may be adversely affected by activities, development or lack of care and maintenance. The challenge is to manage change, recognising the need to allow communities to alter and grow, while ensuring that significant heritage resources are retained for both present and future generations.

6.2.1 Issue

Retaining a sense of the cultural heritage that contributes to the character of the sounds.

In managing the use and development of the natural and physical resources, regard must be given to the cultural heritage resources and values which contribute to the character of the Sounds. To give effect to this obligation the Plan must:

- a) Identify those heritage resources which contribute to the character of the Sounds and therefore need to be retained; and
- b) Adopt suitable measures to secure the preservation of the identified heritage resources.

The Council, along with the community, has the responsibility to ensure that heritage resources are protected and retained for future generations.

The New Zealand Coastal Policy Statement refines the Council's heritage role in respect of the coastal environment. Heritage values are referred to in the general principles section of the New Zealand Coastal Policy Statement and again at section 3.1.2. Section 3.1.2 requires the identification of, and that appropriate protection be given to historic areas and areas of cultural significance.

6.2.2 Objectives and Policies

Objective 1	The preservation of the Plan area heritage resources including: historic buildings, places and sites, waahi tapu, archaeological sites and areas, and heritage trees.
Policy 1.1	Recognise the heritage resources of the Plan area which have been identified as specified in section 6.2.3, and provide the necessary protection to avoid or mitigate any adverse effects of activities on these resources.
Policy 1.2	Research and assess additional items of heritage value in the Plan area (of local significance) according to the criteria specified in section 6.2.3, in consultation with landowners and other agencies including NZ Historic Places Trust, New Zealand Archaeological Association, Department of Conservation and iwi.
Policy 1.3	Provide incentives for the preservation of all heritage resources of the Plan area.
Policy 1.4	Consider favourably proposed uses of scheduled heritage resources which may not be permitted as of right on the site concerned but which will encourage preservation and maintenance of the item.
Policy 1.5	Ensure that regard is had for heritage preservation with all subdivision, use and development in the Plan area.

The heritage resources of the Plan area are an important contributor to the character of the area. The policies work towards ensuring that they are retained and appreciated by present and future generations.

6.2.3 Methods of Implementation

Schedule	<p>The Council will maintain a register of significant heritage resources in accordance with section method 7.3.4(b) of the Marlborough Regional Policy Statement and will include this as an appendix to the Plan (Volume Two, Appendix A).</p> <p>Resources registered will include those on the Historic Places Trust Register (established under section 22 of the Historic Places Act 1993), heritage trees [as identified by the Royal New Zealand Institute of Horticulture (Inc)], a number of items identified by previous planning schemes and any other item incorporated in the Plan in terms of the criteria specified below. These criteria enable Council or interested parties (eg: local iwi, property owners) to identify things with heritage value and have them included on the schedule.</p> <p>Known archaeological sites (as supplied by the Department of Conservation and the New Zealand Archaeological Association Site Record files) are included on the Council's register of heritage resources. However, they have not been included in the Appendix to the Plan for reasons of cultural</p>
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sensitivity. Information on archaeological sites is available from the Council, the Department of Conservation, the New Zealand Archaeological Association and iwi.

The register will include an indication of the importance of the item to the community in order for different levels of protection to be assigned. The schedule (refer Volume Two, Appendix A) includes these classifications.

Items so registered will be subject to special controls and procedures as specified in the rules. They may also be eligible to receive the benefits provided by the incentives outlined below.

Criteria for Identifying Specific Heritage Resources

Criteria for selection of places or objects:

- a) Whether the place or object has value as a local landmark, over a length of time;
- b) Whether the place or object has historic association with a person or event of note, or has strong public association for any reason;
- c) Whether the place or object reflects past skills, style or workmanship which would make it of educational or architectural value;
- d) Whether the place or object is unique or rare, or a work of art;
- e) Whether the place or object is important to tangata whenua;
- f) Whether the place or object is physically prominent or well sited;
- g) Whether the place, as a whole, rather than in separate units, reflects a townscape which has developed in earlier years and has value for the Marlborough Sounds both now and in the future; and
- h) Whether the place or object forms part of a precinct or area of heritage value.

Criteria for identifying heritage trees

Criteria for selection of heritage trees (notable and historic trees):

- a) Any tree commemorating an important local event either in Maori or European history, settlement and development;
- b) Any tree that is regarded as an important landmark and has been acknowledged as such for a significant period of time;
- c) Any tree that has historic association with a well-known public figure or has had strong public association for some reason;

	<p>d) Any rare or important species; and</p> <p>e) A stand of trees conforming to the above.</p>
Rules	<p>The inclusion of rules to protect scheduled heritage resources from damage or destruction. Different levels of protection will be attached to the various types of heritage resources and the differing classifications based on the heritage value or importance of the resource.</p> <p>The maintenance and minor alteration of heritage resources will be allowed for in order to ensure that heritage features are sustained and continue to provide a useful resource to the community.</p>
Incentives	<p>The provision of incentives to promote the protection of scheduled and any other heritage resources. Any other heritage resources means any non-scheduled item which can be shown to meet some or all of the criteria for identifying heritage resources.</p> <p>Incentives will be investigated further and may include:</p> <ul style="list-style-type: none"> • Waiving resource consent application fees; • Permitting alternative uses of buildings to encourage the retention of heritage features (scheduled heritage resources only), refer to Policy 6.2.2.1.4; • Consider waiving development contributions where property development incorporates the protection of a scheduled heritage resource (scheduled heritage resources only); • Through the annual planning process, consider granting reductions in rating for properties where heritage resources are protected through either rules in the Plan or by a Heritage Order under the Act. • Consider providing development incentives to encourage the community, in particular the owners of heritage properties, to retain heritage resources; and • Heritage award programmes (through the annual planning process).
Education	<p>Promote and encourage public awareness of heritage resources and the importance of retaining them for the future, through the provision of information.</p> <p>All places or objects subject to a heritage order will be included in the schedule of heritage resources in the Plan and are shown on the planning maps. Thus these items will be subjected to the rules which relate to scheduled items so long as they are consistent with the heritage order. In addition, they may also be the subject of any further controls by the heritage order, due to the requirements of sections 193 and 193A of the Act. That being the written consent of the relevant heritage protection authority prior to undertaking any activity which might affect the heritage order or the resource which is subject to the order.</p>

The combination of rules, incentives and heritage orders will promote both the preservation of important heritage resources and the community's appreciation of heritage values.

6.3 Anticipated Environmental Results

Implementation of the policies and methods relating to culture and heritage values will result in:

- The relationship of Tangata Whenua to their culture and traditions being maintained and enhanced;
- The preservation of the heritage resources of the Marlborough Sounds;
- The appreciation and enjoyment of the Marlborough Sounds' heritage by the community.

